

## REMARKS

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

In order to expedite the prosecution of this application claims 1, 7, 13, 18 and 19 have been amended. Claims 1-19 are now in this application.

During a telephone interview with the Examiner on 09/17/2008, the Examiner stated that further consideration of the claim limitations will be conducted toward patentability if independent claims 1, 18 and 19 were amended to include further description of the elements and there arrangements, if claim 7 was amended to include further description that the angles of the first and second subsections of the insertion area were of different angles, and if claims 13 or 14 were amended to remove the overlapping angle range of the first and second subsection.

### Regarding the Advisory Action and Final Rejection

The Examiner states in the above-identified Advisory Action that the Applicant's arguments do not place the application in condition for allowance. The Examiner only makes reference and response to the arguments pertaining to claims 1, 18 and 19 with specific arguments directed toward that the Matt reference does not disclose "a first cylindrical section". The Applicant respectfully points out that in the Final Office Action dated 03/25/2008 the Examiner made no specific description of rejection or disclosure in the Matt reference toward the limitations in claims 3, 4, 5 and 7-14. Additionally, the Examiner made no response in the Advisory Action to the arguments made by the Applicant in the response to the Final Office Action pertaining to claims 3, 4, 5 and 7-14.

As stated by the Federal Circuit, the Examiner cannot sit mum and that they must state clearly and specifically any objections to patentability, and give the applicant fair opportunity to meet those objections. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443, 1447 (Fed. Cir. 1992). Thus, the prima facie case requires the Examiner to provide reasonable basis for rejecting the application, and the Patent Office has the initial duty to supply the factual basis for its rejection, as stated by the CCPA. See *In re Warner*, 379 F.2d 1011, 154 USPQ 173, 178 (C.C.P.A. 1967). It can therefore be

appreciated that since the Examiner only broadly stated that claims 1-19 are rejected, in section 2 of the above identified Final Office Action, with no specific or reasonable basis for rejection toward claims 3, 4, 5 and 7-14, then the Examiner has failed to meet the requirements of 37 CFR 1.104 and MPEP 706. The Applicant, to best available ability, submitted arguments as to the patentability of the present claims, without any specific direction towards the rejected limitation since the Examiner did not provide specific limitation rejections.

### **Regarding the Claim § 102 Rejection**

The Examiner rejects claim 1-19 under 35 U.S.C. 102(b) as being anticipated by Matt (US 5,307,708). The Examiner states, in the Advisory Action, that the Matt reference discloses "a first cylindrical section" in Figure 3, and that the limitation is being interpreted as "any section that is cylindrical" see Figure 2, "the entire inside surface of the device is cylindrical". The Applicant did not argue that the elements (4 and 6) of Matt are not cylindrical, but that Matt does not disclose a first section as claimed in the present invention.

Furthermore, the Applicant respectfully points out that MPEP 2131 states "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As discussed herewith, the Matt reference does not disclose, teach or suggest all the limitations as described in independent claims 1, 18 and 19.

### ***Regarding independent claims 1, 18 and 19***

The Matt reference does not disclose, teach or suggest a first section, emphasis on that the Matt reference only discloses two sections and not three as claimed in the present invention. The Matt reference discloses a cylindrical opening (4) and a tapered widening (6) on one end face (5) of a cam (2), "wherein the angle of opening of this funnel-like widening (6) amounts to approximately 20°" [col. 3 lines 9-15]. The Applicant would like the Examiner to be aware that the parent application (EP1525406) of this present application has been granted having similar claims.

As requested by the Examiner, independent claims 1, 18 and 19 have been amended to further distinguish the first cylindrical section, the insertion area, and the second cylindrical section each from another.

Since the Matt reference does not disclose “each and every element as set forth in the claim”, then the Matt reference can not properly reject or anticipate the claims and therefore does not support a *Prima Facie* case for rejection under the law. Claims 2-17 are felt to patentably distinguish over the prior art references because of their above-mentioned dependency from claim 1.

The Matt invention has a major disadvantage in that with pressing on of the cam (2) onto the shaft (1), already at the beginning of the cam opening (5) via the funnel-like widening (6), a force effect acts on the cam, and so tensioning in the cam material can occur. This tensioning leads to microscopic tears in the structure and can cause a weakening or collapse of the attachment operation, and hence can cause functional destruction of the shaft based on the deformation.

The claimed present invention overcomes this disadvantage by making a hub for pressing onto a base body, whereby the hub has a hub opening, defined by hub front faces, and whereby the hub has an insertion area tapering in the press-on direction P. The hub opening is characterized by “a first cylindrical section”, which is not disclose, taught or suggested by Matt, arranged between the front face and insertion area as viewed in the press-on direction. The hub as in claims 1, 18 and 19 each have “a first cylindrical section” of the hub opening, whose diameter is at least the same size as the largest diameter of the base body. Such diameter permits a simple placing of the hub on the base body avoiding the existing connection strains in the region of the front face. This “first cylindrical section” is different from the funnel-like widening (6) of Matt. The first cylindrical section of claims 1, 18 and 19 avoids a direct effect of force between the base body on which the hub is to be placed and the hub in the region of the front face. This is due to the fact that the deformation of the material aggregate on the shaft starts first in the tapered insertion region upon pressing-on of the hub on the base body. Thus the connection strains in the cylindrical section are avoided preventing microscopic tears or deformations in the body which supports the hub. It can clearly be appreciated that the material aggregate (7) of Matt makes direct contact with the funnel-like

widening (6) located at the end face (5) first, which is substantially different than the present invention in claims 1, 18 and 19.

The Applicant requests that the Examiner reconsiders his/hers rejections of the invention in view of the well established principle that small differences in a crowded art can constitute patentable improvement. See *In re Baum*, 51 USPQ 470 (CCPA 1941) and *In re Lange*, 126 USPQ 365 (CCPA 1960). In considering this principle, the Applicant would also request that the Examiner take note to the court decision which notes that “apparent simplicity has been held to furnish strong argument for patentability where, as here, a need has existed for a structure of the nature disclosed and claimed. The fact that a solution to a problem is simple, or appears to be simple when viewed in retrospect, does not mean that the solution was obvious when it was conceived.” See *Ellipse corp. v. Ford Motor Co.*, 171 USPQ 513.

#### *Regarding claim 3*

The Matt reference does not disclose, teach or suggest the material aggregate (7) being “parallel to the longitudinal axis of the hub”. The material aggregate (7) in Matt has a specific diameter, and therefore can not be parallel with the longitudinal axis of the hub [col. 3 lines 23-25; and Figs. 4, 5, 6 and 7].

Therefore, since Matt does not disclose, teach or suggest the material aggregate being parallel to the longitudinal axis of the hub, then Matt does not anticipate claim 3 and is believed to be patentably distinct therefrom.

#### *Regarding claims 4 and 5*

The Matt reference does not disclose, teach or suggest the insertion area (tapering widening 6) as being a curved profile. The Matt reference specifically discloses the insertion area (6) as a funnel shape formed by a cone or planar surface [col. 4 lines 19-24]. It can clearly be appreciated that a cone and a planar surface can not produce a curved profile.

Therefore, since Matt does not disclose, teach or suggest the insertion area having a curved profile, then Matt does not anticipate claims 4 and 5 and is believed to be patentably distinct therefrom.

*Regarding claims 7-14*

The Matt reference does not disclose, teach or suggest the insertion area (6) being divided into two truncated cone subsections having separate and independent angles.

As requested by the Examiner, claim 7 has been amended to further distinguish that the angle of the first subsection is different from the angle of the second subsection.

Additionally, claim 13 has been amended so that the angle of the first subsection does not overlap the angle of the second subsection. This angle leads to an expanded contact area between the hub and the shaft, which creates an approximately uniform frictional connection between the hub and base body. Based on such a structure, a possible maximum of connection strains is substantially reduced or avoided, and therewith, non-uniform and damaging loads are reduced.

Therefore, since Matt does not disclose, teach or suggest the insertion are being divided into two subsections having different angles, then Matt does not anticipate claims 7-14 and is believed to be patentably distinct therefrom.

*Regarding claim 15*

The Matt reference does not disclose, teach or suggest at least one recess extending over the entire length of the hub. The claimed recess defines a part of the periphery of the hub opening and the recess extends radially outward at a maximum to the diameter.

Therefore, since Matt does not disclose, teach or suggest a recess extending the entire length of the hub, then Matt does not anticipate claim 15 and is believed to be patentably distinct therefrom.

**Conclusion**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above-remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at (403) 444-5695, or email at davidguerra@internationalpatentgroup.com

A three month extension of time fee of \$525.00 is provided.

Respectfully Submitted,

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